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TO RUEHC/SECSTATE WASHDC IMMEDIATE 7215  
INFO RUEABND/DEA HQS WASHINGTON DC IMMEDIATE  
RUEAWJL/DEPT OF JUSTICE WASHINGTON DC IMMEDIATE

UNCLAS BANGKOK 001367

SENSITIVE  
SIPDIS

STATE FOR L/DL AND EAP  
DOJ FOR OFL

E.O. 12958: N/A  
TAGS: [KLIG](#) [PREL](#) [KJUS](#) [TH](#)  
SUBJECT: VIKTOR BOUT CASE: URGENT REQUEST TO RETAIN LOCAL  
COUNSEL TO RESPOND TO ACTION AGAINST DEA AGENTS

REF: A. BANGKOK 1317 (RESPONSE TO CRIMINAL COMPLAINT)  
[B](#). BANGKOK 1253 (CRIMINAL COMPLAINT VS. DEA)  
[C](#). STATE 1087 (PROCEDURES FOR HANDLING LAWSUITS ETC.)

[1](#). (U) ACTION REQUESTED - see para 4.

[2](#). (SBU) In an effort to delay his extradition to the United States, international arms trafficker Viktor Bout has filed a criminal complaint in Bangkok against three U.S. Drug Enforcement Administration agents (ref B). Bout's meritless complaint is based on actions taken by the DEA agents within the scope of their employment. Refs A and B requested that the Department of Justice provide legal representation for the three employees; recommended highly qualified local counsel for this purpose; and sought general guidance from the Office of the Legal Advisor and the DOJ's Office of Foreign Litigation in responding to this litigation. The DEA and its employees have already submitted, or are in the process of completing, the forms and acknowledgments to permit DOJ representation in this matter.

[3](#). (SBU) On June 5, the Charge d'Affaires, a.i. convened a State-DEA-DOJ meeting in Bangkok. Participants concluded unanimously that it was critical for post to immediately retain local counsel to respond to Bout's complaint in a manner that protects our personnel and advances U.S. interests. Time is of the essence in responding appropriately and effectively to this litigation. A mediation session has been scheduled at the Southern Bangkok Criminal Court on June 30, 2009, and a Preliminary Hearing is set for July 13, 2009.

[4](#). (SBU) We believe guidance in ref C currently prohibits our retaining legal counsel without authorization; we urge that the Department immediately grant authority for us to retain local counsel. Post would also welcome front-channel guidance from L or DOJ as to how to respond to this criminal litigation. To permit full consideration of available options under Thai law, and to avoid any prejudicial delay, post requests that L and DOJ authorize the retention of local counsel no later than Monday, June 8, 2009.

[5](#). (U) Post stands ready to work closely with L and DOJ in the interviewing and retention of local counsel. Post's POC on this matter remains DOJ Attache Christopher P. Sonderby, who can be reached as follows:

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